

116TH CONGRESS
1ST SESSION

H. R. 968

To prohibit the use of Federal funds to build a wall along the southern border, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2019

Ms. MOORE (for herself, Ms. CLARKE of New York, Ms. JACKSON LEE, Ms. WILSON of Florida, Ms. SPEIER, and Ms. WASSERMAN SCHULTZ) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit the use of Federal funds to build a wall along the southern border, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No Taxpayer Funding
5 for the Wall Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The construction of a wall along the south-
2 ern border is estimated to cost tens of billions of
3 taxpayer dollars.

4 (2) On June 16, 2015, in New York, NY, while
5 announcing his candidacy for President of the
6 United States, Mr. Donald Trump stated “I would
7 build a great wall, and nobody builds walls better
8 than me, believe me, and I’ll build them very inex-
9 pensively. I will build a great, great wall on our
10 southern border. And I will have Mexico pay for that
11 wall. Mark my words.”.

12 (3) On July 31, 2015 in Turnberry, Scotland,
13 during an interview on CNN, Mr. Donald Trump
14 stated “I will build the wall and Mexico’s going to
15 pay for it and they will be happy to pay for it. Be-
16 cause Mexico is making so much money from the
17 United States that that’s going to be peanuts and all
18 these other characters say, ‘Oh, they won’t pay, they
19 won’t pay.’ They don’t know the first thing about
20 how to negotiate. Trust me, Mexico will pay for it.”.

21 (4) On February 25, 2016, in Houston, TX,
22 during a Republican Presidential Debate, Mr. Don-
23 ald Trump stated, “We have a trade deficit with
24 Mexico of \$58 billion dollars a year, and that doesn’t
25 include all the drugs that are pouring across and de-

1 stroying our country. We’re going to make them pay
2 for that wall.”.

3 (5) On August 23, 2015, during an interview
4 on Justice with Judge Jeanine, Mr. Donald Trump
5 stated, “We’re going to build a wall. It’s going to be
6 a great wall. Mexico is going to pay for it.”.

7 (6) On August 31, 2016, in Phoenix, AZ, dur-
8 ing a rally, Mr. Donald Trump stated, “We will
9 build a great wall along the southern border and
10 Mexico will pay for the wall. One hundred percent.
11 They don’t know it yet, but they’re going to pay for
12 the wall.”.

13 (7) On January 10, 2017, General John Kelly,
14 President-elect Trump’s nominee for Secretary of
15 Homeland Security, stated during his Senate con-
16 firmation hearing, “A physical barrier in and of
17 itself—certainly as a military person that under-
18 stands defense and defenses—a physical barrier in
19 and of itself will not do the job, it has to be really
20 a layered defense.”.

21 **SEC. 3. PROHIBITION ON USE OF CERTAIN FEDERAL**
22 **FUNDS.**

23 (a) IN GENERAL.—

24 (1) FEDERAL PROHIBITION.—Notwithstanding
25 any other provision of law, no Federal department

1 or agency, including the Department of Homeland
2 Security and the Department of Defense, may obli-
3 gate or expend any Federal funds (including any
4 funds previously appropriated for such purpose or
5 any fee revenue generated by the Department of
6 Homeland Security or any other Federal department
7 or agency) to carry out section 102 of the Illegal Im-
8 migration Reform and Immigrant Responsibility Act
9 of 1996 (8 U.S.C. 1103 note) or any other related
10 provision of law, or to otherwise build a border
11 fence, related physical barriers or infrastructure, or
12 wall along the southern border of the United States,
13 including to carry out any activities related to such
14 construction.

15 (2) STATE PROHIBITION.—Notwithstanding any
16 other provision of law, a State that has received or
17 receives any Federal funding in the form of a grant
18 from the Department of Homeland Security or any
19 other Federal department or agency may not use
20 such funding to carry out section 102 of the Illegal
21 Immigration Reform and Immigrant Responsibility
22 Act of 1996 (8 U.S.C. 1103 note) or any other re-
23 lated provision of law, or to otherwise build a border
24 fence, related physical barriers or infrastructure, or
25 wall along the southern border of the United States,

1 including to carry out any activities related to such
2 construction.

3 (3) FOREIGN PAYMENT REQUIRED.—The Presi-
4 dent is authorized to enter into a binding, written,
5 and enforceable treaty, approved by the Senate, with
6 a foreign country to pay for the costs associated
7 with carrying out section 102 of the Illegal Immigra-
8 tion Reform and Immigrant Responsibility Act of
9 1996 (8 U.S.C. 1103 note) or any other related pro-
10 vision of law, or to otherwise build a border fence,
11 related physical barriers or infrastructure, or wall
12 along the southern border of the United States, in-
13 cluding to carry out any activities related to such
14 construction.

15 (b) AUDIT AND PENALTY.—

16 (1) AUDIT.—Not later than 180 days after the
17 end of each fiscal year, the Comptroller General of
18 the United States shall conduct an audit of each
19 Federal department and agency under subsection
20 (a)(1) and each State that has received or is receiv-
21 ing any Federal funding under subsection (a)(2) to
22 assess compliance with the prohibition under such
23 subsections for each such preceding fiscal year.

24 (2) PENALTY.—If the Comptroller General of
25 the United States is unable to confirm the compli-

1 ance with the prohibitions under subsection (a) by a
2 Federal department or agency or by a State, as the
3 case may be, pursuant to an audit conducted under
4 paragraph (1), notwithstanding any other provision
5 of law—

6 (A) in the case of Federal department or
7 agency, the Office of Management and Budget
8 may not obligate or expend more than 25 per-
9 cent of funds authorized to be appropriated for
10 such Office for the fiscal year during which
11 such audit is conducted, until such time as the
12 Comptroller General is able to confirm such
13 compliance; and

14 (B) in the case of a State, the heads of ap-
15 propriate Federal departments and agencies
16 shall take such steps as may be necessary to re-
17 duce the amount of Federal funds that are
18 made available to such State and to require
19 such State to repay such amounts previously
20 made available, as appropriate, until such time
21 as the Comptroller General is able to confirm
22 such compliance.

23 (c) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that the funding prohibition under this section
25 should not interfere with the responsibility of the Sec-

1 retary of Homeland Security to take actions as may be
2 required to secure the southern border of the United
3 States.

4 **SEC. 4. OVERSIGHT.**

5 The Inspector General of the Federal department or
6 agency responsible for carrying out the treaty referred to
7 in section 3(a)(3) shall oversee the use of funds received
8 and expended pursuant to such treaty to carry out section
9 102 of the Illegal Immigration Reform and Immigrant Re-
10 sponsibility Act of 1996 (8 U.S.C. 1103 note) or any other
11 related provision of law or to otherwise build a border
12 fence, related physical barriers or infrastructure, or wall
13 along the southern border of the United States, including
14 to carry out any activities related to such construction.
15 Such oversight shall include oversight regarding the use
16 of high risk contractor practices, including limited or sole
17 source contracting, any cost overruns, significant delays
18 in contract execution, and departmental contract manage-
19 ment and oversight of such funds.

20 **SEC. 5. BUDGETARY IMPACT.**

21 (a) IN GENERAL.—The Director of the Office of
22 Management and Budget shall include a statement of
23 budgetary impact, including costs, benefits, and revenues,
24 as a result of and related to any executive order or presi-
25 dential memorandum issued relating to border security

1 during the period of fiscal year 2019 through fiscal year
2 2023.

3 (b) CONTENTS.—Any statement under subsection (a)
4 shall include—

5 (1) a narrative summary of the budgetary im-
6 pact of such order or memorandum on the Federal
7 Government;

8 (2) the impact on mandatory and discretionary
9 obligations and outlays as the result of such order
10 or memorandum, listed by Federal department and
11 agency, for each year in the 5-fiscal-year period be-
12 ginning in fiscal year 2019; and

13 (3) the impact on revenues of the Federal Gov-
14 ernment as the result of such order or memorandum
15 over the 5-fiscal-year period beginning in fiscal year
16 2019.

17 **SEC. 6. WEBSITE.**

18 The Director of the Office of Management and Budg-
19 et shall establish a publicly available website to track and
20 display funds received from non-Federal sources, including
21 foreign governments, to carry out section 102 of the Illegal
22 Immigration Reform and Immigrant Responsibility Act of
23 1996 (8 U.S.C. 1103 note) or any other related provision
24 of law or to otherwise build a border fence, related phys-
25 ical barriers or infrastructure, or wall along the southern

1 border, including to carry out any activities related to such
2 construction. Such website shall be updated at least
3 monthly to accurately reflect data on funds received by
4 source and by date and on the obligation and expenditure
5 of such funds.

